

The Sinclair Broadcasting Group, a broadcasting company that runs 62 television stations in dozens of major television markets nationwide, has ordered its stations to preempt other programming and air an anti-Kerry program days before Election Day.

The alleged "documentary," called "Stolen Honor," was written, produced, and funded by extreme right-wing activists. It is clearly political speech relevant to the election. Sinclair is using its reach to broadcast a blatantly political -- and false -- message while disguising it as "news."

Sinclair is violating its public trust as a common carrier over the airwaves. If it wanted to follow up this broadcast with equal time for a Democratic response --which is required by law-- such as airing under similar conditions (e.g., commercial free, during prime time) something like Fahrenheit 9/11 or the pro-Kerry "Going Upriver", then it should be allowed to do so. However, absent such a Democratic response, Sinclair is or will be in violation of Federal election law and FCC law as well (see, e.g., Sec. 315 of Fed. Comm'n's Act.). You should be familiar with this excerpt from a 1984 FCC report: "any broadcast or cable cast of a candidate's voice or picture is a 'use' of a station . . . by the candidate if the candidate's participation in the program or announcement is such that he will be identified by members of the audience."

This isn't the first time the Sinclair corporate office has compromised the journalistic integrity of its stations. It ordered ABC affiliates not to air a nonpartisan tribute to our fallen U.S. soldiers, fearing the consequences for George W. Bush. It has refused to run a DNC ad that challenged Bush for citing faulty intelligence about Iraq.

I urge you to come down on Sinclair with the full weight of the law should it engage in the illegal activity it proposes. Better yet, I urge you to advise Sinclair beforehand that it is about to run afoul of the law and help prevent it from doing so.

Respectfully,

Barry Negrin,
New York